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| APPLICATION NO.         | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------|-------------|----------------------|---------------------|------------------|
| 10/516,707              | 12/02/2004  | Toshinori Kouzai     | 450100-05037        | 6608             |
| 7590                    | 11/15/2007  |                      | EXAMINER            |                  |
| William S Frommer       |             |                      | DANG, HUNG Q        |                  |
| Frommer Lawrence & Haug |             |                      |                     |                  |
| 745 Fifth Avenue        |             |                      | ART UNIT            | PAPER NUMBER     |
| New York, NY 10151      |             |                      | 2621                |                  |
|                         |             |                      | MAIL DATE           | DELIVERY MODE    |
|                         |             |                      | 11/15/2007          | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                          |                  |
|------------------------------|--------------------------|------------------|
| <b>Office Action Summary</b> | Application No.          | Applicant(s)     |
|                              | 10/516,707               | KOUZAI ET AL.    |
|                              | Examiner<br>Hung Q. Dang | Art Unit<br>2621 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 December 2004.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-5 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 02 December 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/02/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tauchi et al. (US 2001/0055473 A1).**

Regarding claim 1, Tauchi et al. disclose a recording apparatus adapted for recording first definition data in accordance with a first format ([0068]), and for recording data having a definition different from the first definition data in accordance with a second format different from the first format onto a magnetic tape ([0066]) in which plural tracks each consisting of first sector, second sector, and third sector are formed in conformity with the first format (Fig. 1; Fig. 30; Fig. 32), the recording apparatus comprising: compressed data processing means for performing compression processing of inputted second definition data to generate compressed data ([0066]); system data generating means for generating system data including at least time code ([0093]); time management information generating means for detecting time information from the inputted second definition data to generate time management information on the basis of the time information ([0067]); extended track number generating means for generating extended track number on the basis of the time management information ([0093]); processing means for processing the compressed data and the system data

(“Digital 8-Method Recording Signal Processing Section 1” and “MPEG-Method Recording Signal Processing Section 2” in Fig. 2); read-out means for reading out compressed data and system data which are processed by processing means (“24-to-25 Conversion Section 4”, “Sync and ITI Generating Section 5”, and “switch 6” in Fig. 2); control means for controlling the read-out means so as to read out, at a predetermined timing, the compressed data and the system data which are processed by the processing means on the basis of the extended track number ([0071]; [0093]); and recording means for recording, into the second sector, the compressed data which has been read out by the read-out means ([0098]; [0099]; [0101]; [0103]; [0106]), and for recording, into the third sector, along with extended track number, the system data which has been read out by the read-out means ([0100]; [0093]; [0106]); wherein the recording means records, at a predetermined position of the first sector, format information indicating that compressed data is recorded in the second sector in accordance with the second format ([0100]; [0101]), and records, at a predetermined position of the third sector (position in which format information indicating the first format is recorded in the case where data is recorded in accordance with the first format (position from the leading address of the first sector)), format information indicating the first format ([0128]; [0129]).

However, Tauchi et al. do not disclose memory means for storing the compressed data and the system data.

Memory means is very well known in the art at the time the invention was made. Thus, Official Notice is taken.

One of ordinary skill in the art at the time the invention was made would have motivated to incorporate a memory means into the recording apparatus disclosed by Tauchi et al. because it is a necessary and critical component for implementing digital systems.

Regarding claim 2, Tauchi et al. also disclose the compression data processing means performs compression processing of inputted second definition data by the MP@HL system or the MP@H-14 system ([0066]).

Claim 3 is rejected for the same reason as discussed in claim 1 above.

Claim 4 is rejected for the same reason as discussed in claim 1 above.

Claim 5 is rejected for the same reason as discussed in claim 2 above.

### ***Conclusion***

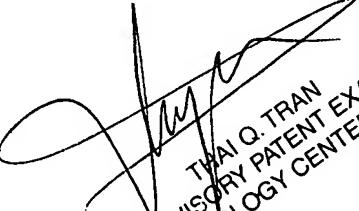
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung Dang  
Patent Examiner



THAI Q. TRAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600